

JUDGE McMAHON

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BIRCH SHIPPING LTD.,

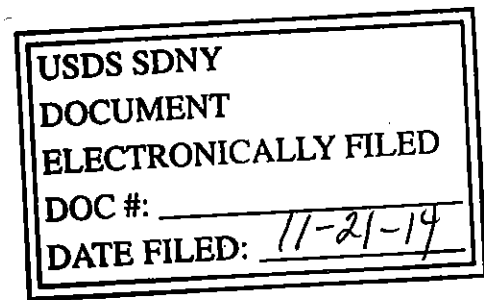
Plaintiff,

- against -

O.W. BUNKER CHINA LTD. (HK), O.W.
BUNKER USA INC., O.W. BUNKER NORTH
AMERICA INC., O.W. BUNKER HOLDING
NORTH AMERICA INC., O.W. BUNKER &
TRADING A/S, CHEMOIL LATIN AMERICA
INC., ING BANK N.V.

Defendants.

14 CV (9282
14 Civ.



~~PROPOSED~~ ORDER

This matter comes before the Court on the Motion for Restraining Order pursuant to 28 U.S.C. § 2361 of the Federal Interpleader Act filed by Plaintiff Birch Shipping Pte Ltd. ("Birch"). Upon consideration of the Motion for Restraining Order, the accompanying Memorandum of Law, and the documents filed in this action, and:

WHEREAS Plaintiff has established the procedural prerequisites of 28 U.S.C. § 1335 in that 1) the funds in the Plaintiff's custody exceeds \$500; 2) minimal diversity exists among the claimants; and 3) the Court has granted Plaintiff's motion to deposit the funds into the Court's registry; and

WHEREAS Plaintiff has demonstrated that a restraining order is justified to protect Birch Shipping from multiple litigation against it and against its vessel M/V BIRCH 6 *in rem*; it is hereby

ORDERED that the claimants in this action are restrained and enjoined from instituting or prosecuting any proceeding in any state court, or in any United State District Court, affecting the property and res involved in this action of interpleader, including but not limited to the arrest or attachment of the subject vessel M/V BIRCH 6 pursuant to Supplemental Admiralty Rule C or Rule B to enforce claimants' maritime lien claims until the further order of the court; and it is further

ORDERED that Plaintiff shall serve a copy of this Order along with the Summons and Complaint in this action on each defendant; and it is further

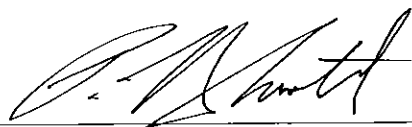
~~ORDERED that if Plaintiff learns of any other claimant who intends to assert a claim related to the subject matter of this action, then Plaintiff will promptly serve a copy of this Order (and related papers) on such claimant who then will be bound thereby, and it is further,~~ PKC

ORDERED that Plaintiff shall provide notice of this Order by email where possible and such notice shall be deemed good and sufficient; and it is further

ORDERED that ~~upon service of this Order and the Summons and Complaint on any~~ claimant, any claimant may, upon proper motion, request that this Order be set aside. PKC

SO ORDERED, this 21st day of November, 2014.

3:39 PM
New York, NY


United State District Judge, S.D.N.Y.

Part I

